

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION**

**IN RE:**

**CASE NO.:**

**HEAD GRADING CO., INC.**  
**Debtor**

**05-02729-8-JRL  
CHAPTER 7**

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**STEPHEN L. BEAMAN, TRUSTEE**     )  
    **Plaintiff**                             )  
   )  
**vs.**   )  
   )  
**RUBY LEE HEAD**                             )  
    **Defendant.**                             )

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**ADVERSARY PROCEEDING  
NO. 05-00316-8-JRL**

**MOTION AND ANSWER**

NOW COMES the Defendant, Ruby Lee Head, and submits the following Motion and Answer to the Complaint in this matter as follows:

**MOTION TO DISMISS**

This matter fails to state a claim upon which relief can be granted pursuant to Rule 7012(b)(6) and should be dismissed.

**ANSWER TO SPECIFIC ALLEGATIONS**

Now having submitted the foregoing Motion, the Defendant answers the specific allegations of the Complaint as follows:

1. The allegations contained in Paragraph 1 of the Complaint are admitted.
2. The allegations contained in Paragraph 1 of the Complaint are admitted.
3. The allegations contained in Paragraph 1 of the Complaint are admitted.
4. The allegations contained in Paragraph 1 of the Complaint are admitted.
5. Responding to the allegations contained in Paragraph 5 of the Complaint, it is

admitted that the Note attached to the Complaint as Exhibit B is dated July 29, 1998. However, said indebtedness was in existence on the date of the signing of the Deed of Trust referenced in Paragraph 4 of the Complaint.

6. The allegations contained in Paragraph 6 of the Complaint are denied.
7. The allegations contained in Paragraph 7 of the Complaint are denied.

WHEREFORE, based on the foregoing, the Defendant prays for the following relief:

1. That the Plaintiff have and recover nothing of the Defendant.
2. That the Plaintiff's Complaint be dismissed with prejudice.
3. For such other and further relief as the Court deems just and proper.

This the 27<sup>th</sup> day of February, 2006.

/S/ John G. Rhyne  
John G. Rhyne  
State Bar No: 17570  
HINSON & RHYNE, P.A.  
P.O. Box 7479  
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CERTIFICATE OF SERVICE

I, Maureen Radford, of the law firm of Hinson & Rhyne, P.A., of P. O. Box 7479, Wilson, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age:

That on February 27, 2006, I mailed a copy of the foregoing MOTION AND ANSWER, by depositing copies thereof in the United States mail, first class mail, postage prepaid, in an envelope addressed as shown below.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: February 27, 2006.

/s/ Maureen Radford

Maureen Radford  
Hinson & Rhyne, P.A.  
P. O. Box 7479  
Wilson, NC 27895-7479  
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RECIPIENTS:

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